

ASSEMBLY BILL

No. 2060

Introduced by Assembly Member V. Manuel Pérez

February 20, 2014

An act to amend Section 15820.92 of the Government Code, relating to local criminal justice facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 2060, as introduced, V. Manuel Pérez. County jails: construction funding.

Existing law authorizes the Board of State and Community Corrections (BSCC), a participating county, and the State Public Works Board to acquire, design, and construct an adult local criminal justice facility approved by the BSCC or to acquire a site or sites owned by, or subject to a lease or option to purchase held by, a participating county, as provided. The BSCC, a participating county, and the board are required to enter into an agreement for each adult local criminal justice facility that provides, at a minimum, performance expectations of the parties related to the acquisition, design, and construction, including, without limitation, renovation of the adult local criminal justice facility; guidelines and criteria for use and application of the proceeds of revenue bonds, notes, or bond anticipation notes issued by the board to pay for the cost of the approved adult local criminal justice facility; and ongoing maintenance and staffing responsibilities for the term of the financing.

This bill would make technical, nonsubstantive changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 15820.92 of the Government Code is amended to read:

15820.92. For purposes of this chapter, “participating county” means ~~any~~ a county, or regional consortium of counties, within the state that has been certified to the State Public Works Board (the board) by the Board of State and Community Corrections (BSCC) as having satisfied all of the requirements set forth in Section 15820.925 for financing an adult local criminal justice facility pursuant to this chapter. For purposes of this chapter, an adult local criminal justice facility may include any custodial housing, reentry; program, mental health, or treatment space necessary to manage the adult offender population consistent with the legislative intent described in Sections 17.5 and 3450 of the Penal Code under the jurisdiction of the sheriff or county department of corrections, as may be applicable, to be further defined by the BSCC in duly adopted regulations.

(a) The BSCC, a participating county, and the board are authorized to acquire, design, and construct an adult local criminal justice facility approved by the BSCC pursuant to Section 15820.925, or to acquire a site or sites owned by, or subject to a lease or option to purchase held by, a participating county. For the purposes of this chapter, acquisition shall include, but is not limited to, acquisition of completed facilities through a build-to-suit purchase. Facilities financed pursuant to this chapter may be delivered through either a design-bid-build or a design-build process. The ownership interest of a participating county in the site or sites for an adult local criminal justice facility shall be determined by the board to be adequate for purposes of its financing in order to be eligible under this chapter.

(b) Notwithstanding Section 14951, the participating county may assign an inspector during the construction of the adult local criminal justice facility.

(c) The BSCC, a participating county, and the board shall enter into an agreement for each adult local criminal justice facility that ~~shall provide~~, *provides*, at a minimum, performance expectations of the parties related to the acquisition, design, and construction, including, without limitation, renovation; of the adult local criminal justice facility; guidelines and criteria for use and application of

1 the proceeds of revenue bonds, notes, or bond anticipation notes
2 issued by the board to pay for the cost of the approved adult local
3 criminal justice facility; and ongoing maintenance and staffing
4 responsibilities for the term of the financing.

5 (d) The agreement shall include a provision that the participating
6 county agrees to indemnify, defend, and hold harmless the ~~State~~
7 ~~of California~~ *state* for any and all claims and losses arising out of
8 the acquisition, design, and construction of the adult local criminal
9 justice facility. The agreement may also contain additional terms
10 and conditions that facilitate the financing by the board.

11 (e) The scope and cost of the adult local criminal justice facilities
12 shall be subject to approval and administrative oversight by the
13 board.

14 (f) For purposes of compliance with the California
15 Environmental Quality Act (Division 13 (commencing with Section
16 21000) of the Public Resources Code), neither the board nor the
17 BSCC shall be deemed a lead or responsible agency and the
18 participating county shall be the lead agency.